

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RICHARD YOUNG,)	
)	
)	
Plaintiff,)	
)	
v.)	
)	Civil Action No.06-160
JEFFREY BEARD, Secretary of Corrections;)	
JOHN S. SHAFFER, Executive Deputy Secretary;)	
WILLIAM STICKMAN, Deputy Secretary;)	
RAYMOND SOBINA, Supervisory Superintendent/)	Judge Joy Flowers Conti/
Western Region; ALAN B. FOGEL, Bureau of)	Magistrate Judge Amy Reynolds Hay
Health Care & Food Services Director; HARRY)	
WILSON, Superintendent at S.C.I. Fayette;)	
ROBERT TRETINIK, Corrections Health Care)	
Administrator at S.C.I. Fayette; MICHAEL)	
SCRIBNER, Food Services Manager II at S.C.I.)	
Fayette; TOM MORAN, Food Services Super-)	
visor at S.C.I. Fayette; DAVIS SWEITZER, Food)	
Services Supervisor at S.C.I. Fayette; MICHAEL)	
HERBIK, D.O. at S.C.I. Fayette; ADAM)	
EBELMAN, State Medical Director for S.C.I.)	
Fayette; and PRISON HEALTH SERVICES, INC.,)	
for S.C.I. Fayette,)	
)	
Defendants.)	
)	Re: Dkt. Nos. [41] & [42]

MEMORANDUM ORDER

On June 22, 2007, Richard Young ("Plaintiff"), filed with the court two documents, Dkt. Nos. [41] & [42]. One of those documents is an affidavit whereby he swears that he never received the Magistrate Judge's Report and Recommendation, and that he was not aware that a Report was filed until June 14, 2007, which is the date he avers that he received this Court's order adopting the Report. Dkt. [41] at 1 - 2, ¶ 4. Plaintiff also avers that the prison mail room staff must have stolen the Report. Id., at 1, ¶ 2. Based on Plaintiff's surmise as to what happened to the

Report that was mailed to him, he seeks to have this court refer this matter to the Pennsylvania Attorney General's Office and/or the United States Attorney for the Western District of Pennsylvania in order that a private criminal complaint may be filed. Dkt. [42] at 2. To the extent that he requests such relief, the Court orders that the request be and hereby is **DENIED**.

The Court, however, will vacate its earlier order adopting the Report and will send a copy of the Report along with this order to Plaintiff and, in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) & (C), and Local Rule 72.1.4 B, Plaintiff will be allowed ten (10) days from the date of service of this order to file written objections to the Report. Any party opposing the objections shall have seven (7) days from the date of service of the objections to respond thereto. Failure to timely file objections may constitute a waiver of any appellate rights. In addition, a copy of the docket sheet will be sent to Plaintiff as requested. Dkt. 42 at 2, ¶3.

Accordingly the following order is entered:

AND NOW this 29th day of June 2007, the earlier Memorandum Order, Dkt. [36], filed May 22, 2007, is hereby **VACATED**.

Plaintiff will have 10 days from the service of this order, a copy of the docket sheet and the accompanying Report and Recommendation in which to file his objections to the Report.

Plaintiff's "Objections" filed at Dkt. [42], which the court is treating as a motion for miscellaneous relief, is DENIED in all other respects.

/s/ Joy Flowers Conti
Joy Flowers Conti
United States District Judge

encl.

cc: Richard Young (via return receipt mail)
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All counsel by Notice of Electronic Filing